

REMARKS

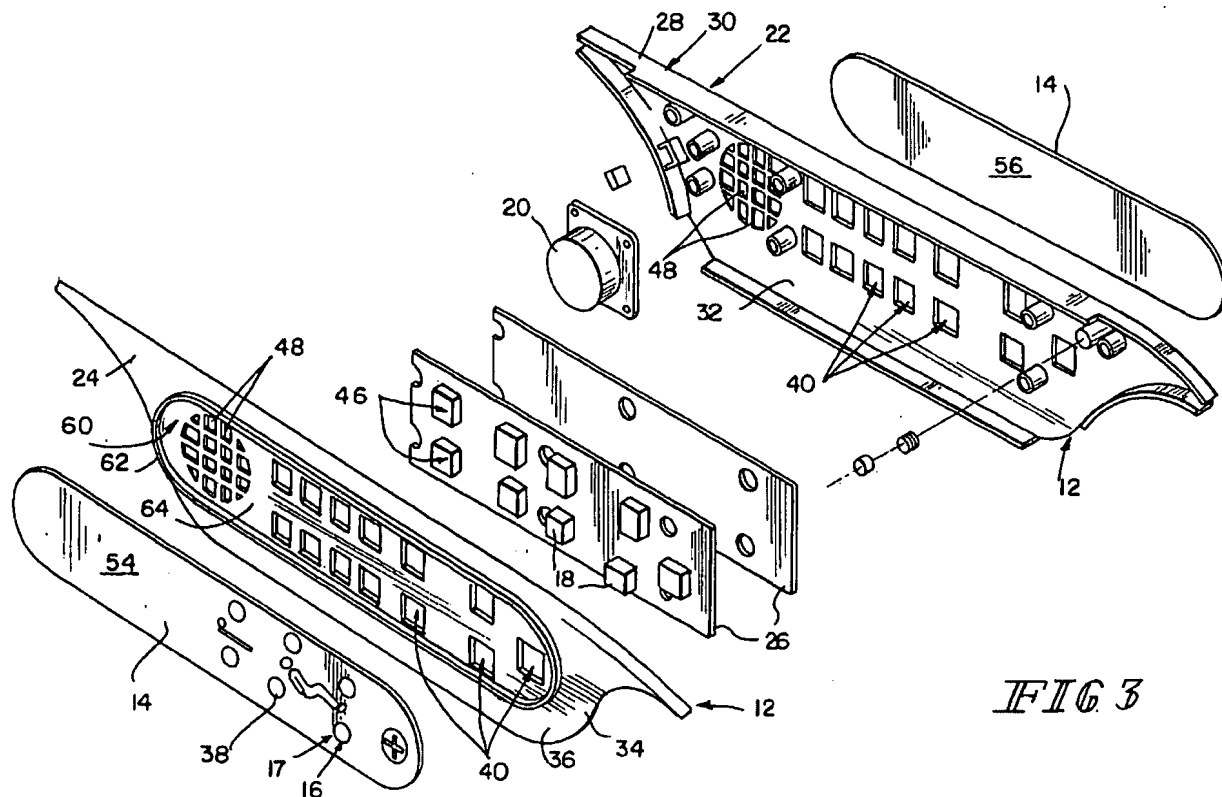
Status of case

Claims 1-22 are pending.

Rejection under 35 U.S.C. §103

Claims 1, 2, 13, and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn (WO 00/72344 A1; and the corresponding DE 199 25 051 C2) in view of Moster (U.S. patent No. 6,658,132). Claim 3, 16, and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn and Moster, and further in view of Banter (U.S. Patent 6,512,834). Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn and Moster, and further in view of Ford (U.S. Patent 5,664,015). Claims 5, 6, 9, 11, 14 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn and Moster, and further in view of Bohnke (U.S. Patent 6,546,107). Claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn and Moster, and further in view of Daddis (U.S. Patent 6,029,942). Claims 10, 12, and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn, Moster, and Bohnke, and further in view of Daddis. Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn, Moster, Bohnke, and further in view Banter (U.S. Patent No. 6,512,834).

Claims 1 and 9 recite “an enclosure having a front face” and “the foil covering only an area of the enclosure proximate to the plurality of holes in the enclosure.” See also claim 11 (“enclosure means having a front face” and “waterproofing means covering only an area of the enclosure means proximate to the plurality of holes in the enclosure means”); claim 13 (“placing a foil only on a portion the enclosure proximate to the holes sufficient to cover the holes by attaching the foil to the enclosure at the foil's perimeter such that the foil acts as a second membrane for the speaker, the foil sealing the speaker against intrusion by a liquid.”) This is in contrast to the cited references, including the Kuhn and Moster references, which do not teach placing a foil only on a portion of the front face of the enclosure. Specifically, the Moster reference teaches that the entire front surface and back surface of the enclosure are covered with foil 14, as shown in the following figure:

*FIG 3*

The Moster reference teaches that the foil 14 is placed on the entire front surface of the control panel in order to protect the speaker and the switches for controlling the hospital bed from water and cleaning solutions. In fact, the Moster reference teaches that the foil 14, which covers the entire front and back surfaces, is used so that the hospital bed may be "run through hospital bed washing devices similar to automatic car washes." Col. 1, lines 26-27.

The invention as presently claimed operates significantly differently from the Moster reference due at least to the differences in the foil. In particular, the foil in the present invention as claimed is only on the enclosure proximate to the speaker holes. This is beneficial in two ways. First, the foil as presently claimed may operate significantly better as a second membrane for the speaker than the foil disclosed in the Moster reference. The foil in the Moster reference covers the entire face of the enclosure, thus providing a membrane which is significantly larger than (and not centered around) the speaker holes. By contrast, the foil as presently claimed is proximate to the speaker holes, and is thus more attune to the sound emanating from the speaker holes. Second, the foil as presently claimed contributes to potential interference with a microphone less than the foil disclosed in the Moster reference. The Moster reference discloses

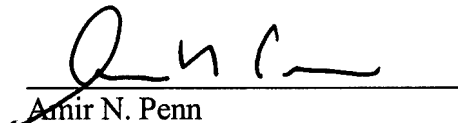
that the foil is on the faces (both front and back) on the enclosure in the hospital bed. Any microphone used in the Moster reference would similarly be covered by the foil. Because of this, the foil in the Moster reference would more likely produce feedback from the speaker to the microphone because the foil provides a direct way for the sound emanating from the speaker to be picked up by the microphone. By contrast, the foil as presently claimed is proximate to the holes of the speaker (as opposed to the entire face of the enclosure), thereby reducing the possibility of feedback picked up from the microphone.

Similarly, the Kuhn reference fails to teach that the foil is placed on the exterior of the enclosure only in an area proximate to the holes in the enclosure. In fact, the Office Action acknowledges that the Kuhn reference fails to teach a foil placed on the enclosure. Finally, the combination of the Moster and Kuhn references fail to teach the invention as claimed. In particular, one skilled in the art would not be motivated (even in view of the Kuhn reference) to modify the Moster reference to reduce the size of the foil to only cover the holes of the speaker. The purpose of the foil in the Moster reference is to enable the protection of the speaker and the switches for the hospital bed so that the bed may be easily cleaned (such as being run through an automatic bed washing device). Reducing the size of the foil on the enclosure would be contrary to the stated purpose of the Moster reference, namely protecting the electronics of the controls in the hospital bed and removing the ability to clean the hospital bed using the automatic bed washing machine. Thus, none of the references, either alone or in combination, render the present claims unpatentable.

SUMMARY

Applicant respectfully requests early allowance of this application. The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,


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